

REMARKS

In the Office Action, the Examiner rejected claims 13, 16, 21, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,519,448 to *Dress et al.* ("*Dress*").

By this Amendment, Applicant amends claims 13 and 21, and adds new claims 29-38. Independent claims 13 and 21 are amended to clarify the previously recited subject matter. Claims 29-38 are added to capture additional features of Applicant's invention. Support for the claim changes may be found in the specification at, for example, page 14, line 27 to page 18, line 4, and FIGs. 5 and 6. Upon entry of this Amendment, claims 13, 16, 21, 24, and 29-38 will be pending in this patent application.

Applicant respectfully traverses the rejection of claims 13, 16, 21, and 24 under 35 U.S.C. § 102(e). In order for *Dress* to anticipate Applicant's claimed invention under Section 102(e), each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." (See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).)

Dress cannot anticipate claim 13 under 35 U.S.C. § 102(e) because the reference does not disclose, at least, "left and right headphones each compris[ing] ... a data extracting section configured to extract a respective one of the left and right digital music data received by said receiver," as recited in claim 13. *Dress* apparently discloses a transceiver-receiver system including a base unit 100 that transmits an

audio-in signal received via a connector 108 to earphones 200. (*Dress*, 6:1-28 and FIG. 2.) In some embodiments, earphones 200 may include a receiver pair for stereo sources. (*Dress*, 3:10-12.) However, *Dress* is silent with regard to the claimed “left and right digital music data.” And, nowhere does *Dress* disclose that earphones 200 “extract a respective one of the left and right digital music data received by said receiver” (emphasis added), as recited in claim 13.

In addition, *Dress* cannot anticipate claim 13 because *Dress* does not disclose “a digital modulator configured to transmit left and right digital music data to the left and right headphones via [a] wireless digital data transmission channel.” *Dress* also is silent with regard to “a wireless digital data transmission channel” or “a digital modulator” (emphasis added), as recited in claim 13. *Dress* merely provides a transmitter 160 including components such as, a shared frequency synthesizer 170, a modulator 180 and an RF amplifier 162 which are analog components. (See, e.g., 7:26-40.)

The Examiner asserts that *Dress* teaches “transmitting using digital data.” (Office Action, p. 2, citing *Dress* 9:20-45.) Applicants advise, however, that amended claim 13 recites a “digital modulator configured to transmit left and right digital music data to the left and right headphones via the wireless digital data transmission channel” (emphasis added). In comparison, the portion of *Dress* cited by the Examiner discloses a selection of a frequency for transmission between base unit 100 and earphones 200. (*Dress*, 3:2-7, 3:23-27.) Upon selection of a frequency by base unit 100, a coded word is provided by the digital frequency synthesizer 170 to the earphones 200 via a contact

101. (*Dress*, 6:11-20, 9:21-49.) At the earphones 200, the coded word is received via a contact 201 and read into a digital frequency synthesizer in the earphones 200. (*Id.*) *Dress*, therefore, does not disclose “a digital modulator configured to transmit left and right digital music data to the left and right headphones via the wireless digital data transmission channel” (emphasis added), as recited in claim 13.

Because *Dress* fails to disclose the above-noted features of claim 13, *Dress* cannot anticipate claim 13 under 35 U.S.C. § 102(e). Therefore, claim 13 is allowable over *Dress*, and that claims 16, 29, and 30 are also allowable over *Dress* at least due these claims’ dependence from claims 13.

Independent claim 21, as amended, and new independent claim 33 recite subject matter similar to that recited in claim 13. Accordingly, claims 21 and 33 are allowable over *Dress* for the same reasons given above for claim 13, and claims 24, 31, 32 and 34-36 also should be allowable at least due to these claims’ corresponding dependence from claim 21 or 33.

Conclusion

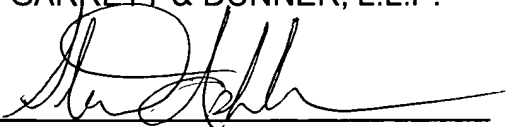
In view of the foregoing, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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